IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11578 of 2005

For Approval and Signature:

HON'BLE MR JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DIPAK PRAVINCHANDRA KARIA - Petitioner(s)

Versus

AHMEDABAD MUNICIPAL CORPROATION-THR'COMMISSIONER & 3 - Respondent(s)

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Appearance :

MR NIRAV C THAKKAR for Petitioner No(s).: 1.

MR SI NANAVATI, SR. ADV. WITH MR SANJEEV DAVE FOR NANAVATI & NANAVATI for Respondent Nos 1 to 3.

MR PR ABICHANDANI, AGP for respondent No.4.

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CORAM :HON'BLE MR JUSTICE AKIL KURESHI

Date : 24/06/2005

ORAL JUDGMENT

Learned advocate for the petitioner seeks permission to join the Commissioner of Police, City of Ahmedabad as party respondent No.4. Permission granted.

2.Rule. Shri Sanjeev Dave waives service of notice of

rule on behalf of M/s.Nanavati & Nanavati for respondent Nos.1 to 3 and learned AGP Shri Abichandani waives service of notice of rule on behalf of respondent No.4. Upon joint request of the learned advocates appearing for the parties, the petition is taken for final disposal today.

3. The grievance of the petitioner arises on account of the sealing of the premises in which the petitioner was running a restaurant called Icy Spicy. The Corporation had sealed the premises contending that the petitioner was running the restaurant without permission and license. Counsel for the petitioner submitted that there are food items and other perishable items in the premises which he may be permitted to removed. To enable the petitioner to have access to the premises, the petitioner has filed an undertaking dated 17th June 2005 in which it is stated that if the seal applied on the restaurant is removed, the petitioner shall not operate or run the restaurant without obtaining requisite licences as required under the law. Learned counsel Shri Nanavati appearing for respondent Nos.1 to 3 assured the Court that the petitioner's application for being granted necessary license will be considered and disposed of expeditiously and preferably within a period of 15 days from today.

4. Learned advocate Shri Thakker submitted that the petitioner has also applied in August 2004 for necessary permission to respondent No.4. The petitioner agrees to supply additional copy of the application to respondent Nos.1 to 4. Such an application also shall be disposed of expeditiously and preferably within a period of four weeks from the date of receipt of a copy of this order.

5. On the basis of the undertaking given by the petitioner and with the clarification that he will not operate his restaurant without all necessary licences and permission from the authorities as required under law, respondent Nos.1 to 3 shall remove the seal on the premises in question.

6. With the above directions, the petition is disposed of. Rule is made absolute to the above extent with no order as to costs.

Direct service.

(Akil Kureshi, J.)

(vjn)